IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:20-CV-00506-FDW-DSC

VALERIE ARROYO,)
Plaintiff,)) ORDER
v.)
VI LYLES et al.,)
Defendants.)

THIS MATTER is before the Court on "Plaintiff's Motion for Recuse [sic]" (document # 40) filed November 23, 2020.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and is ripe for disposition.

Pro se Plaintiff seeks recusal of the presiding District Judge. A federal judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. §455(a). "He shall also disqualify himself in the following circumstances: (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding...." 28 U.S.C. §455(b)(1).

Plaintiff makes no showing as to partiality, bias, personal knowledge or any other basis warranting recusal. Nor does the record reflect any such basis. Rather, Plaintiff is dissatisfied that Defendants obtained extensions of time to respond to her Complaint and then filed a Motion to Dismiss.

Accordingly, "Plaintiff's Motion for Recuse [sic]" (document # 40) is **DENIED**.

The Clerk is directed to send copies of this Order to <u>pro se</u> Plaintiff, to defense counsel and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: December 4, 2020

David S. Cayer

United States Magistrate Judge